

# EXHIBIT I

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

STATE OF GEORGIA,

*Defendant.*

CIVIL ACTION

NO. 1:16-CV-03088-ELR

**DECLARATION OF DANTE MCKAY**

Pursuant to 28 U.S.C. § 1746, I, DANTE MCKAY, make the following declaration:

1. I am over the age of 21 years, and I am under no legal disability which would prevent me from giving this declaration. If called to testify, I would testify under oath to these facts.

2. I currently am the Director of the Office of Children, Young Adults and Families in the Georgia Department of Behavioral Health and Developmental Disabilities (“DBHDD”). I have held that position since February 16, 2016. In my position, I have acquired firsthand knowledge of the business operations within DBHDD.

3. APEX is a programmatic framework created by DBHDD, which makes certain unbundled services available within public schools in Georgia.

4. The APEX program is one where qualified providers of behavioral health services can become eligible for Medicaid reimbursement for certain behavioral health services offered to school age children and youth. To be an eligible APEX program provider, the contracting entity must satisfy regulatory criteria and have the written support of a local school system.

5. Currently, 735 public schools have partnered with APEX program providers.

6. APEX has not been expanded to every public school in Georgia due to several factors, among the most material are cost and workforce shortages.

7. DBHDD has conducted an informal cost estimate for expanding the APEX program to all 2,308 public schools in Georgia.

8. The cost estimate for expanding APEX to every public school in Georgia applying a 1:50 therapist to student ratio resulted in a total estimated cost of \$313.5 million, with an estimated attributed cost to the State of Georgia of more than \$219.5 million in State funds. An expansion of this magnitude would necessitate additional appropriations for DBHDD by the Georgia General Assembly of more than \$219.5 million. Federal funds would not supplement this.

9. To put this cost in context and using the State of Georgia's FY 2024 budget, the cost of expanding the APEX program to full capacity represents about half of the State funds used to provide Adult Developmental Disabilities Services, and four times the amount of State funds used to provide Child and Adolescent Mental Health services.

10. The cost estimate for expanding APEX contemplates a gradual expansion, with full implementation by fiscal year 2032.

11. This cost estimate for expanding APEX is subject to the availability of workforce to staff all 2,308 public schools.

*[signature on following page]*

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 6th day of November, 2023.

*Dante McKay*

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Dante McKay